

# EXHIBIT 9

**WHATCOM COUNTY**  
Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9097  
360-778-5900, TTY 800-833-6384  
360-778-5901 Fax



J.E. "Sam" Ryan  
Director

DEC 31 2018

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## ***Whatcom County Land Disturbance and Clearing Application Information***

This Hand-Out Has Important Information Regarding Application Requirements,  
Additional Permitting and Contacts.

<b>FLAGGING</b>	<b><i>SITE MUST BE FLAGGED!</i></b> <b><i>Fees will be imposed for additional site trips and inspections</i></b> <ul style="list-style-type: none"><li>• All proposed project areas must be identified on site with clearly marked stakes and flagging.</li><li>• Site location must <b>be visible from road</b> by <u>address, name or flagging</u>.</li><li>• Call the Land Disturbance Coordinator when site is flagged and ready to be inspected at <b>(360) 778-5902</b>.</li><li>• Project review will be delayed if site is not properly staked and/or flagged.</li></ul>
<b>CONTACT</b>	<b><i>WHATCOM COUNTY NATURAL RESOURCES OFFICE (360) 778-5900</i></b> <p>Please be advised that staff have scheduled appointments and daily site inspections making their availability limited.</p> <ul style="list-style-type: none"><li>• <b>Land Disturbance</b> - General inquiries for permit requirements, application in-take, permit review, status and issuance.</li><li>• <b>Critical Areas – Wetlands, Streams, and Habitat Conservation Areas</b>- review, inspection, mitigation, and monitoring.</li><li>• <b>Critical Areas – Geology</b> – Geological Hazards – review, inspection, mitigation, and monitoring.</li><li>• <b>Watersheds</b> - Lake Whatcom, Lake Padden, Lake Samish, Drayton Harbor, and Birch Bay – may require review and inspection.</li><li>• <b>Cultural Resource Management</b> - properties located within 500 feet of known archaeological sites must be assessed for the presence of archaeological resources prior to the issuance of County development permits.</li></ul>
<b>FILL, GRADE &amp; CLEARING</b>	<b><i>FILLING, GRADING and CLEARING</i></b> <ul style="list-style-type: none"><li>• Any fill, grade, clearing within 300 feet of critical areas requires review and approval from Whatcom County prior to commencing any project work.</li><li>• Any fill or grade in excess of 50 cubic yards (approx. 5 dump trucks) requires a Land Disturbance Permit.</li><li>• Any material moved off-site in excess of 50 cubic yards <b>may require a separate Land Disturbance permit</b>.</li><li>• Any activity that exposes more than 500 square feet of soil between October 1 and May 31 OR that exposes more than 5,000 square feet of soil between June 1 and September 30 within the Lake Whatcom, Lake Samish or Lake Padden watershed requires a Land Disturbance Permit.</li><li>• Filling and grading <b>cannot start</b> before approval from Planning and Development Services. In the Lake Whatcom, Lake Samish and Lake Padden watersheds, Land Disturbance Permits will not be issued two weeks prior to the closure dates of October 1 through May 31.</li><li>• All building permits require a Land Disturbance Application (unless no fill or grading proposed).</li></ul>

<b>FOREST PRACTICES</b>	<p><b>FOREST PRACTICES INFORMATION</b></p> <ul style="list-style-type: none"> <li>• If your project involves the harvest of forest land (forest practices as defined in Washington Administrative Code (WAC) 222-16-050 a Forest Practices Application/Notification is required.</li> <li>• For questions related to permit requirements, or to obtain a Forest Practices Application, contact the <b>Washington State Department of Natural Resources (DNR) at (360) 856-3500.</b></li> <li>• Failure to obtain an approved Forest Practices Application/Notification from DNR prior to conducting forest practices is a violation of state law and <b>may result in enforcement action and a six-year development moratorium on property.</b></li> </ul>
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<b>RIGHT OF WAY</b>	<p><b>WORKING IN COUNTY/STATE ROAD RIGHTS-OF-WAY MAY REQUIRE ADDITIONAL PERMITTING!</b></p> <ul style="list-style-type: none"> <li>• Any work that utilizes a new or existing access off of a public road right-of-way may require a Revocable Encroachment Permit, Trail Permit, and/or a possible drainage study from Whatcom County's Engineering Division <b>(360) 778-6220.</b></li> <li>• For any work in the State highway right-of-way contact the Washington State Department of Transportation (WSDOT) at <b>(360) 788-2500.</b></li> </ul>
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<b>SITE PLAN</b>	<p><b>SCALED SITE PLAN REQUIRED</b></p> <ul style="list-style-type: none"> <li>• The following information must be put on the scaled site plan and be consistent across the site plan. <ul style="list-style-type: none"> <li>○ All buildings, existing and proposed.</li> <li>○ Parking, access roads and driveways.</li> <li>○ Critical areas (e.g.: wetlands, streams) located.</li> <li>○ Ditches.</li> <li>○ Property lines, corner pins.</li> <li>○ Topography (contours, slope grade).</li> <li>○ Utilities.</li> <li>○ Erosion and Sedimentation Control Measures.</li> </ul> </li> <li>• Show any trees that are to be removed.</li> <li>• <i>Incomplete or inadequate site plan can significantly delay processing.</i></li> </ul>
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<b>SEPA</b>	<p><b>STATE ENVIRONMENTAL POLICY ACT (SEPA)</b></p> <ul style="list-style-type: none"> <li>• Fill and grade in excess of 499 cubic yards that is not associated with a single-family residence requires a SEPA determination.</li> <li>• All Class IV Forest Practice Applications (FPAs) require a SEPA determination and a clearing permit.</li> </ul>
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<b>SHORELINE JURISDICTION</b>	<p><b>WHATCOM COUNTY SHORELINE MANAGEMENT PROGRAM (360) 778-5900</b></p> <ul style="list-style-type: none"> <li>• If your lot is within the jurisdiction of the Shoreline Management Program you are required to obtain approval via a shoreline permit pursuant to WCC 23.60.01. This Land Disturbance Application <b>will not</b> be accepted. Please contact a shoreline administrator for proper permit application materials.</li> </ul>
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<b>UTILITIES</b>	<p><b>BONNEVILLE POWER ADMINISTRATION EASEMENT</b></p> <ul style="list-style-type: none"> <li>• Whatcom County requires a letter of approval from Bonneville Power Administration (BPA) authorizing any filling, excavation, or clearing in their easement. <b>Contact BPA at (360) 568-2943 or (800) 836-6619.</b></li> </ul>
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<b>DIGGING</b>	<p><b>CALL BEFORE YOU DIG – IT'S THE LAW</b></p> <ul style="list-style-type: none"> <li>• For One Call Locates in Washington call <b>1-800-424-5555.</b> For additional information go to Washington Utilities Coordinating Council at <a href="http://www.wucc.org">http://www.wucc.org</a>.</li> </ul>
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***Whatcom County Land Disturbance Application  
Submittal Information***

The Information Below Is Required For Submittal Of A  
Whatcom County Land Disturbance Application.

(Note: submittal of an application does not vest the project to a submittal date or deem the application package complete)

- Completed Whatcom County Land Disturbance Application.
- Cash, check or credit cards are accepted for payment. Permit Fee is \$600.00 (UFS #8268 and UFS #8428)
- Site plan with a north arrow and a scale consistent across the site (see Important information regarding application requirements above for site plan requirements).
- Written narrative describing the purpose of the proposed action and future plans. See Project Narrative with Preliminary Long Subdivision Application
- Whatcom County Health Department approved Septic Design (if applied for as part of Land disturbance application).
- Zoning/Land Use consistency approval.
- Land Use Agreement (if proposed work is in an easement and/or on land owned by someone else).
- For any projects located within the Lake Whatcom, Lake Samish, or Lake Padden Watersheds, calculations showing the amount of existing tree canopy along with the amount of tree canopy to be removed (already asked for on the LDP application) must be submitted. Existing and proposed impervious surface calculations (including gravel driveways) must also be shown on the site plan.
- For any work located within a County Right-of-Way an Encroachment Permit is required.

*(Note: Incomplete applications are not accepted)*



LDP # \_\_\_\_\_

- Answer all questions as completely and accurately as possible.
- Provide an adequate site plan (see example).
- Sign and date your application.
- Application fee will apply upon submittal.

Applicant / Contact Person		Property Owner		
Name Wayne Schwandt		Name Governors Point Land LP		
Address 965 Grand Blvd		Address		
Bellingham, WA 98229		Blaine, WA 98230		
Phone 360 739-0091		Phone		
Email wayne@rimlandpacific.co		Email randy@bocci.ca		
Contractor		Parcel		
Name		Job Site Address 515 Pleasant Bay Road		
Address		Bellingham, WA 98229		
Phone		Parcel Number		
Email		Parcel Size ` 124.5 acres		
License		Subdivision		
Expires	Division	Lot	Block	

**Project Description**

Include all proposed work for this application (Include full project concept – continue on additional page if needed).

Create 16 cluster residential lots and 2 non-residential lots and one Reserve Lot of approximately 90 acres. Construct roadway on existing roadbeds, provide for storm water management of roadways, driveways and buildings. Update existing water service utility, PSE electrical service and Comcast communication service. Provide for sanitary sewer by individual septic systems or individual septic tanks with shared drainfields.

**Future Development / Building Plans**

State what your known development and building plans are for the next 6 years. If unknown, please state so (continue on additional page if needed).

Construct 16 houses, one guest float/dock and possible visitor structures on non-residential lots to support public use of the Nature Reserve.

**Physical Site Characteristics (Included on the Site Plan)**

Check all characteristics that apply on and within 300 feet of the entire parcel.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Streams                             | <input type="checkbox"/> Ponds and lakes         | <input checked="" type="checkbox"/> Forested areas   |
| <input type="checkbox"/> Fish bearing                        | <input checked="" type="checkbox"/> Steep slopes | <input type="checkbox"/> Brush / scrub   |
| <input type="checkbox"/> Non-fish bearing                    | <input type="checkbox"/> Greater than 35%        | <input type="checkbox"/> Pasture, lawn, landscaping  |
| <input type="checkbox"/> Unknown                             | <input type="checkbox"/> Greater than 80%        | <input type="checkbox"/> Existing developed areas  |
| <input checked="" type="checkbox"/> Drainage ditches         | <input type="checkbox"/> Landslide areas         | <input type="checkbox"/> Wildlife features<br>(e.g., raptor nests, beaver dams, large snags, etc.) |
| <input type="checkbox"/> Frequently flooded areas            |  |  |
| <input type="checkbox"/> Wetlands/seasonally wet/soggy areas |  |  |

**SITE MUST BE FLAGGED PRIOR TO INSPECTION**  
 (Otherwise additional site inspection fees will be assessed – e.g. \$220.00)

Note: Automatic calculations are not available

<b>FILL</b>		The deposit of earth material by artificial means.							
<b>BY FEET</b>		<b>Length (ft)</b>	<b>Width (ft)</b>	<b>Depth (ft)</b>	<b>Volume (ft<sup>3</sup>)</b>	<b>Divided By 27</b>	<b>=</b>	<b>Cubic Yard</b>	
Septic	16 lots	960.00	X 30.00	X 2.00	= 57,600.00	/ 27 =		2,133.00	<b>CY</b>
Driveway/Road/Parking		7,135.00	X 24.00	X 2.00	= 342,480.00	/ 27 =		12,684.00	<b>CY</b>
Building site	16 Lots	1,600.00	X 50.00	X 2.00	= 160,000.00	/ 27 =		5,926.00	<b>CY</b>
Other			X	X	=	/ 27 =			<b>CY</b>
<b>MATERIAL SOURCE:</b> Contractor provided pit								<b>TOTAL VOLUME:</b>	20,743.00 <b>CY</b>

<b>EXCAVATION</b>		The mechanical removal of earth materials. Grading is an excavation or filling or combination thereof. Earth material is any rock, natural soil, fill, or any combination thereof.							
<b>BY FEET</b>		<b>Length (ft)</b>	<b>Width (ft)</b>	<b>Depth (ft)</b>	<b>Volume (ft<sup>3</sup>)</b>	<b>Divided By 27</b>	<b>=</b>	<b>Cubic Yard</b>	
Septic	16 lots	960	X 30	X 2	= 57,600	/ 27 =		12,684.00	<b>CY</b>
Driveway/Road/Parking		7,135	X 24	X 2	= 341,480	/ 27 =		12,684.00	<b>CY</b>
Building site	16 Lots	1,600	X 50	X 2	= 160,000	/ 27 =		5,926.00	<b>CY</b>
Ditching/Trenching		7,135	X 2	X 2	= 28,540	/ 27 =		1,057.00	<b>CY</b>
Other			X	X	=	/ 27 =			<b>CY</b>
<b>MATERIAL DESTINATION:</b> Contracted provided waste area								<b>TOTAL VOLUME:</b>	21,800.00 <b>CY</b>

<b>CLEARING / CONVERSION</b>		Defined as, "the destruction of vegetation by manual, mechanical, or chemical methods resulting in exposed soils."WCC20.97.053								
<b>Required</b>		<b>TOTAL AREA TO BE CLEARED and/or GRUBBED, IN ACRES</b>						4.5		
		<b>AREA OF TREE CLEARING, IN ACRES</b>						4.5		
<b>TIMBER USE</b>	<b>Personal Use</b>	4.5	%	<b>Sell</b>	4.5	%	<b>Burn</b>	%	<b>Give Away</b>	%
<b>FPA NUMBER (if applicable)</b>										
If your project includes any tree cutting, a Forest Practices Application / Notification may be required. For questions related to permit requirements, contact the Washington Department of Natural Resources (DNR) at 360-856-3500.										

**2012 International Building Code 105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extension of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**Whatcom County Code 15.04.020(A)(4) Expiration.** Land Disturbance permits issued for grading activity shall expire if work authorized is not commenced within 180 days of issuance unless a phased plan has been approved by the Technical Administrator. The Technical Administrator is authorized to grant one extension of 180 days if the request is submitted prior to expiration of the permit. The extension shall be requested in writing and justifiable cause(s) demonstrated. If the project is located within a water resource special management area and subject to seasonal clearing activity limitations the extension shall begin at the commencement of the construction season, pursuant to WCC [20.80.735](#).

## Fee Responsibility

Venue and Jurisdiction: The parties hereto recognize and agree that the venue of any action involving their rights or obligations related to this application shall be in Whatcom County, and the parties' rights and obligations hereunder shall be determined, in accordance with the laws of the State of Washington.

Fee Guaranty: Notwithstanding that this application has been submitted in the name of a company, I personally guarantee payment of fees accrued according to the terms listed in the Whatcom County Unified Fee Schedule and that my personal guarantee is part of the consideration for review of the application.

I,ayne Schwandt hereby certify that the above statements and the information contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge, and that the list of surrounding property owners is complete and current.

  
\_\_\_\_\_  
Signature of ~~Applicant~~ Agent  
11/9/1  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner  
\_\_\_\_\_  
Date

## Agent Authorization

If you are authorizing an agent to apply for permits on your behalf you must complete this form which will provide authorization for a designated agent to apply for permits on your behalf. This form is required for the protection of the property owner. Planning and Development Services will not accept an application that is not either signed by all property owners or accompanied by this form.

I/we, \_\_\_\_\_, the owner(s) of the subject property, understand that by completing this form I hereby authorize \_\_\_\_\_ to act as my agent. I understand that said agent will be authorized to submit applications on my behalf. I also understand that once an application has been submitted that all future correspondence will be directed to the agent.

\_\_\_\_\_  
Property Owner Printed Name  
\_\_\_\_\_  
Property Owner Signature  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Printed Name  
\_\_\_\_\_  
Property Owner Signature  
\_\_\_\_\_  
Date

**WHATCOM COUNTY**  
Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9097  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

### Agent Authorization

If you are authorizing an agent to apply for permits on your behalf you must complete this form, which will provide authorization for a designated agent to apply for permits on your behalf. This form is required for the protection of the property owner. Planning and Development Services will not accept an application that is not either signed by all property owners or accompanied by this form.

I/we, Governors Point Land LP, the owner(s) of the subject property, understand that by completing this form I hereby authorize \_\_\_\_\_ to act as my agent. I understand that said agent will be authorized to submit applications on my behalf. I also understand that once an application has been submitted that all future correspondence will be directed to the agent.

Governors Point Land LP  
By Double DOT Holdings Corp, a Washington corporation,  
Its General Partner

Property Owner(s) Printed Name \_\_\_\_\_

Date \_\_\_\_\_

n  
Property Owner(s) Signature \_\_\_\_\_

Aug 22, 2018  
Date \_\_\_\_\_

I certify that I know or have satisfactory evidence that Randy Bishop is/are the person(s) who appeared before me, and said person(s) acknowledged it to be his/hers free and voluntary act for the uses and purposes mentioned in this instrument.

Dated August 22, 2018

[Signature]  
**KIM A. KARRAS**  
Barrister & Solicitor  
#309 - 1888 - 16849 51  
South Surrey, B.C. V4R 4N6  
Tel: 604-542-5344 Fax: 604-542-5345  
Notary Public in and for the State of Washington  
Residing at \_\_\_\_\_  
My appointment expires: n/a

Application received by \_\_\_\_\_

Date \_\_\_\_\_